

United States Court of Appeals
Fifth Circuit

FILED

January 19, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-60268
Summary Calendar

HAREGEWOIN MAMO DESTA,

Petitioner,

versus

JOHN ASHCROFT, U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A75 356 010

Before SMITH, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:*

Haregewoin Mamo Desta petitions for review of an order of the Board of Immigration Appeals (BIA) affirming the immigration judge's (IJ's) decision to deny her application for asylum and withholding of removal under the Immigration and Nationality Act (INA) as well as the BIA's rejection of her claim under the Convention Against Torture (CAT). Desta argues that the BIA erred in determining that she had not established a well-founded

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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fear of future persecution or that it was more likely than not that she would be tortured if she were returned to Ethiopia.

This court will uphold the factual findings that an alien is not eligible for asylum or withholding of removal if those findings are supported by substantial evidence. Chun v. INS, 40 F.3d 76, 78-79 (5th Cir. 1994). The substantial evidence standard requires that the decision be based on the evidence presented and that the decision be substantially reasonable. Carbajal-Gonzalez v. INS, 78 F.3d 194, 197 (5th Cir. 1996). The BIA's decision is supported by substantial evidence, and the record does not compel a contrary conclusion as to either Desta's INA claims or her CAT claim. See id. Accordingly, Desta's petition for review is DENIED.